

NO. 2008-CI-17878

ROYCHESTER ARMELIN

§ IN THE DISTRICT COURT
§
§ 45th JUDICIAL DISTRICT
§
§ BEXAR COUNTY, TEXAS

vs. 18
CITY OF SAN ANTONIO, JOHN
DOE 1, JOHN DOE 2, JOHN DOE 3,
VIA Metropolitan Transit, John Doe 4

PLAINTIFF'S AMENDED ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

PARTIES

Plaintiff Roychester Armelin is a resident of the City of San Antonio, Bexar County, Texas.

Defendant City of San Antonio Texas is a unit of local government situated in Bexar County, Texas, and organized and operating under the Constitution and laws of the state of Texas, and may be served with process by serving Leticia M. Vacek, TRMC, CMC, City Clerk, City of San Antonio, P.O. Box 839966, San Antonio TX 78283-3966. Defendants John Doe 1, 2 and 3 are officers of the San Antonio Police Department and other entities involved in the wrongful arrest of Roychester Armelin. VIA Metropolitan Transit is VIA is a metropolitan transit authority created according to Article 1118x of the Texas civil statutes (superseded by Chapter 451 Texas Transportation Code), and may be served by and through John Milam, 800 W. Myrtle, San Antonio, Texas 78212. John Doe 4 is the VIA agent/employee instrumental in the wrongful arrest of Roychester Armelin.

NATURE OF SUIT

EXHIBIT A

FILED
DISTRICT CLERK
08 NOV 24 PM 4:18

RECEIVED
CITY OF SAN ANTONIO
CITY CLERK
2008 DEC -3 PM 3:19

This is a suit for damages under 42 U.S.C Section 1983. Plaintiff also seeks a declaratory judgment arising out of certain conduct of certain of the Defendants acting, at all times relevant hereto, under color of state law, and which conduct was committed by the Defendant in individual capacities and official capacities as employees of the Defendant City.

VENUE

The subject matter of this suit arose in Bexar County. The acts upon which plaintiff sue occurred in Bexar County, Texas.

FACTS

On or about January 6, 2006, plaintiff was riding in as a passenger in an automobile with 3 other persons, when they were stopped by the San Antonio Police Department. At the time of the stop, a VIA metropolitan supervisor drove up and exited his vehicle. After the police had briefly questioned the persons occupying the vehicle in which plaintiff was a passenger, plaintiff produced his identification to the officers. Plaintiff was informed they would be allowed to go as soon as plaintiffs police check came out "clear". After the police check showed plaintiff to be "clear" of any problems which would require police detention or action of any kind, the VIA supervisor with no reason or justification persuaded and caused the police to arrest plaintiff, insisting that plaintiff was intending to commit a crime. Defendant was arrested without probable cause in San Antonio, Bexar County, Texas, through joint actions of officers of the San Antonio Police Department and a supervisor of VIA Metropolitan Transit. On July 31, 2007, plaintiff was released on the date of his trial, as the State announced there was no evidence against plaintiff which would support the charges against him.

RECEIVED
CITY OF SAN ANTONIO
CITY CLERK
2008 DEC -3 PM 3:19

DEFENDANT'S UNLAWFUL CONDUCT

Plaintiff alleges and would show the Court that as a direct and proximate result of the above and forgoing conduct committed by defendants, plaintiff served over 500 days in jail awaiting trial.

Plaintiff alleges and would show the Court that the above and foregoing described conduct by defendants constitutes a violation of Plaintiff's rights under the Fourteenth Amendment to due process of law and in violation of the Constitution of the State of Texas, for which he seeks monetary compensation.

RECEIVED
CLERK OF COURT
2008 DEC -3 PM 3:19

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully pray that after trial of this cause, Plaintiffs have and recover judgment against Defendants:

.Actual damages for mental anguish and emotional pain and suffering, and loss of liberty and opportunity sustained by plaintiff on account of the conduct of the Defendants in the amount of one million dollars.

Costs of Court, including reasonable attorneys' fees as provided by 42 USC § 2000e-5(k).

For such other and further relief as the Plaintiff may show himself to be justly entitled in law or in equity.

Respectfully submitted,

By: 

Bernard Buecker, Texas Bar No.03314500
1220 Tower Life Bldg.
310 S. St. Mary's Street
San Antonio, Texas 78205
Tel. (210)226-1788 Fax. (210)226-2065
Attorney for Plaintiff

PRIVATE PROCESS

"The State of Texas"

NO. 2008-CI-17878



2008CI17878 -S00001

ROYCHESTER ARMELIN

Plaintiff
vs.

CITY OF SAN ANTONIO TEXAS ET AL

Defendant

(Note: Attached Document May Contain Additional Litigants.)

NOTICE

Citation Directed to: CITY OF SAN ANTONIO TEXAS
BY SERVING LETICIA M VACEK, TRMC CMC CITY CLERK

IN THE DISTRICT COURT

45th JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

RECEIVED
CITY OF SAN ANTONIO
CITY CLERK
2008 DEC -3 PM 3:16

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you." Said petition was filed on the 21st day of November, 2008.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 21st DAY OF November A.D., 2008.

AMENDED ORIGINAL
PETITION

BERNARD JOHN BUECKER

Attorney/PLAINTIFF

address 310 S ST MARYS ST 1220
SAN ANTONIO, TX 78205-3126



MARGARET G. MONTEMAYOR
District Clerk of Bexar County, Texas
Bexar County Courthouse
San Antonio, Texas 78205

By: Sylvia Stewart Deputy
SYLVIA STEWART

OFFICER'S RETURN

Came to hand 26 day of November, A.D. 2008, at 4:00 o'clock P.M.
and executed (not executed) the 2 day of December, A.D. 2008, in San Antonio, TX
at 2:15 o'clock P.M. by delivering to City of San Antonio through Assistant
in person a true copy of this citation together with the accompanying copy of plaintiff's
petition. Served at 100 Military City clerk
Cause of failure to execute this citation Melinda Lopez
I traveled _____ miles in the execution of this citation. Fees: _____ Serving citation Uribe
\$ _____ Mileage _____ Total \$ _____
Badge/PPS # _____ County, Texas

By _____

The State of Texas

NON - PEACE OFFICER VERIFICATION

VERIFICATION OF RETURN (IF NOT SERVED BY PEACE OFFICER)

SWORN TO this _____ day of _____

NOTARY PUBLIC, STATE OF TEXAS



ORIGINAL

(DK002)

PRIVATE PROCESS

"The State of Texas"

NO. 2008-CI-17878

2008CI17878 -S00001

ROYCHESTER ARMELIN

Plaintiff
vs.

CITY OF SAN ANTONIO TEXAS ET AL

Defendant

(Note: Attached Document May Contain Additional Litigants.)

NOTICE

Citation Directed to: CITY OF SAN ANTONIO TEXAS
BY SERVING LETICIA M VACEK, TRMC CMC CITY CLERK

IN THE DISTRICT COURT

45th JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

RECEIVED
CITY OF SAN ANTONIO
CITY CLERK
2008 DEC -3 PM 3:11

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you." Said petition was filed on the 21st day of November, 2008.

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AMENDED ORIGINAL
PETITION



BERNARD JOHN BUECKER

Attorney/PLAINTIFF

address 310 S ST MARYS ST 1220
SAN ANTONIO, TX 78205-3126

MARGARET G. MONTEMAYOR
District Clerk of Bexar County, Texas
Bexar County Courthouse
San Antonio, Texas 78205

By: *Sylvia Stewart*Deputy
SYLVIA STEWART

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\$ _____ Mileage _____ Total \$ _____
Badge/PPS # _____

County, Texas

By _____

The State of Texas

NON - PEACE OFFICER VERIFICATION

VERIFICATION OF RETURN (IF NOT SERVED BY PEACE OFFICER)

SWORN TO this _____ day of _____, _____

NOTARY PUBLIC, STATE OF TEXAS

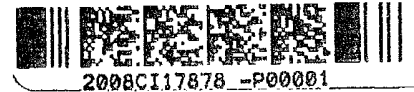


ORIGINAL

(DK002)

2008CI17878

NO. _____



ROYCHESTER ARMELIN

§
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IN THE DISTRICT COURT

vs.

45th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS

CITY OF SAN ANTONIO, JOHN
DOE 1, JOHN DOE 2, JOHN DOE 3,
VIA Metropolitan Transit, John Doe 4

ORIGINAL Petition

**CRT
PROCESS DEPT.**

TO THE HONORABLE JUDGE OF SAID COURT:

PARTIES

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NATURE OF SUIT

This is a suit for damages under 42 U.S.C Section 1983. Plaintiff also seeks a declaratory judgment arising out of certain conduct of certain of the Defendants

EXHIBIT B

ADICIA

acting, at all times relevant hereto, under color of state law, and which conduct was committed by the Defendant in individual capacities and official capacities as employees of the Defendant City.

VENUE

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PRAYER

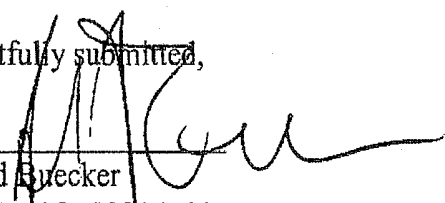
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Respectfully submitted,

By: 
Bernard Buecker
Texas Bar No.03314500
1220 Tower Life Bldg.
310 S. St. Mary's Street



MARGARET G. MONTEMAYOR
BEXAR COUNTY DISTRICT CLERK

REQUEST FOR PROCESS

Cause No. 2008-CV-17878

Style: Raymond Amador
 vs. _____

Court 45th

Date Apr 21-08

Request the following process:

Citation ☒ Notice ☐ Precept ☐ Temp. Rest. Order ☐

Subpoena ☐ Subpoena D.T. ☐ (Describe Duces Tecum on Reverse)

Temp. Protective Order ☐ Notice on Temp Protective Order ☐

Other ☐

Information for Subpoena: Date _____ Time _____ Court _____

Parties to be served (PLEASE TYPE OR PRINT)

1. Name Detelia M. Vacek

Registered Agent: _____

Address City of San Antonio, TX 78283-3466 Type* PP

2. Name _____

Registered Agent: _____

Address _____ Type* _____

3. Name _____

Registered Agent: _____

Address _____ Type* _____

4. Name _____

Registered Agent: _____

Address _____ Type* _____

5. Name _____

Registered Agent: _____

Address _____ Type* _____

*Type: Sheriff; Constable Pct. ____; Private Process; Certified Mail; Registered Mail; Out of County; Out of State; Secretary of State; Commissioner of Insurance;

Name and Address of Attorney: _____

310 S. St. Mary #11220

Attorney's Bar No. 033456

Name of witness: _____
The above witness is requested to bring the following books, papers, documents or tangible things as follows:

Name of witness: _____
The above witness is requested to bring the following books, papers, documents or tangible things as follows:

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Name of witness: _____
The above witness is requested to bring the following books, papers, documents or tangible things as follows:

FILED
DISTRICT CLERK
08 NOV 21 PM 4:20
DEPUTY
CLERK
BY [Signature]